

17 January 2002
Reference: F4101.01.01

Mr. Christopher J. Corbett, RPM (3ILS22)
U.S. EPA, Region III
1650 Arch Street
Philadelphia, PA 19103

Re: Proposed Plan: Kane and Lombard Superfund Site
Operable Unit No. 2



Dear Mr. Corbett:

Environmental Resources Management, Inc. (ERM) is submitting this correspondence on behalf of our client, PICORP, Inc. Baltimore (PICORP). The purpose of this correspondence is to provide comments on the U. S. Environmental Protection Agency's *Proposed Plan: Kane and Lombard Superfund Site Operable Unit No. 2*, dated December 2002. Our comments are presented below.

Comments

1. The proposed plan specifically states that ".....the underground storage tanks located on the PICORP property were not the subject of this investigation and their removal was not considered as a component of any of the remedial alternatives considered." Be apprised that PICORP has a standing requirement to permanently abandon the three USTs located on the PICORP property in accordance with specific direction it has received from the Maryland Department of the Environment (MDE) Oil Control Program (OCP). On multiple occasions beginning in December 1998, PICORP has requested from the MDE a clear position relative to the USTs that reflects coordination between the MDE OCP and USEPA Region III. To date, PICORP has not received such a response. Unfortunately, EPA's proposed plan also fails to address these USTs.

At the core of the issue is the conflict between abandonment of the USTs in accordance with the requirements and guidance of the OCP, and the implications of those actions relative to PICORP's non-involvement in the Kane & Lombard Street Superfund Site. Additionally, in light of the proposed remedy and the language

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from the Proposed Plan cited above, PICORP is unclear whether the Soil Management Plan will apply to actions involving the USTs. For the record, PICORP's clear preference is to permanently abandon the USTs in place and thereby avoid, or at least minimize, potential exposures to any subsurface contamination.

In responding to this comment PICORP specifically requests that USEPA (in concert with MDE) provide guidance regarding the disposition of the USTs that reconciles the requirements of the MDE OCP and USEPA's proposed remedy for OU-2 of the Superfund Site. More specifically, PICORP requests permission to permanently abandon the USTs in place and to receive notice from MDE and USEPA that in so doing its actions would not: 1) result in unacceptable risks to its workers (or those hired by PICORP), and 2) that its actions would not result in any additional liabilities for site issues unrelated to the USTs.

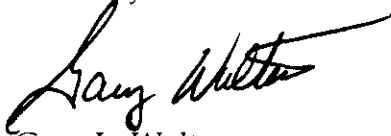
2. As a party likely to be impacted by the Soil Management Plan, PICORP requests the opportunity to review the Plan and to provide input during its development?
3. There will likely be additional costs incurred by property owners/operators in performing activities on their properties that are subject to the provisions of the Soil Management Plan. Are we correct in assuming those additional costs will be the responsibility of the Potentially Responsible Parties (PRPs) for the Superfund Site?
4. If EPA's plans include placement of any of the injection wells for the ERD component of the remedy, or the groundwater wells proposed for long-term monitoring on the PICORP property, PICORP requests an opportunity to review and provide input to those plans.

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Thank you in advance for your consideration and response to our concerns and comments. Should you have questions regarding any aspect of this correspondence, please do not hesitate to contact the undersigned at (410) 266-0006.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Walters", with a stylized flourish extending from the end.

Gary L. Walters
Principal

cc: Karl Kalbacher, MDE
G. Lambrow/R. Wisner (PICORP)

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